FORM PTO-1390 (Modified) (REV 11-2000) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER	U.S. APPLICATION NO (IF KNOWN, SEE 37 CFR)
112843-043	10/088766

INTERNATIONAL APPLICATION NO	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP00/08910	12 September 2000	29 September 1999

TITLE OF INVENTION
COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN

APPLICANT(S) FOR DO/EO/US
Kuslys et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
   a. ☒ is attached hereto (required only if not communicated by the International Bureau).
   b. ☐ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto.
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
   a. ☒ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4))
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Return Receipt Postcard
Express Mail Label No.: EL 727 382 316 US

U.S. APPLICATION NO (IF KNOWN, SEE 37 CFR)	INTERNATIONAL APPLICATION NO	ATTORNEY'S DOCKET NUMBER
10/088766	PCT/EP00/08910	112843-043

24. The following fees are submitted..	CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :		
☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1 445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **$1040.00**		
☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **$890.00**		
☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **$740.00**		
☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) **$710.00**		
☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) **$100.00**		
ENTER APPROPRIATE BASIC FEE AMOUNT =	**$890.00**	
Surcharge of **$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).	**$0.00**	

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20 - 20 =	0	x $18.00	**$0.00**	
Independent claims	5 - 3 =	2	x $84.00	**$168.00**	
Multiple Dependent Claims **(check if applicable)**			☐	**$0.00**	
TOTAL OF ABOVE CALCULATIONS =				**$1,058.00**	
☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				**$0.00**	
SUBTOTAL =				**$1,058.00**	
Processing fee of **$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +				**$0.00**	
TOTAL NATIONAL FEE =				**$1,058.00**	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) **(check if applicable).** ☐				**$0.00**	
TOTAL FEES ENCLOSED =				**$1,058.00**	
				Amount to be: refunded	$
				charged	$

a. ☒ A check in the amount of **$1,058.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-1818** A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett, Esq.
ATTORNEYS FOR APPLICANTS
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135

SIGNATURE

Robert M. Barrett
NAME

30,142
REGISTRATION NUMBER

March 20, 2002
DATE

#4/a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuslys et al.
Appl. No.: PCT/EP00/08910
Filed: Filed Herewith
Title: COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN
Art Unit: Unknown
Examiner: Unknown
Docket No.: 112843-043

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

Please amend the above-identified patent application as follows:

In the Specification:

Please amend page 1, line 1, by deleting "Composition Comprising Casein Protein & Whey Protein" and substitute the following:

--SPECIFICATION

TITLE OF THE INVENTION

"COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN"--

On page 2, line 14, please add the following:

--SUMMARY OF THE INVENTION--

On page 3, line 17, please insert the following:

--Additional features and advantages of the present invention will be described in and apparent from the detailed description of the presently preferred embodiments and the figures.

DETAILED DESCRIPTION OF THE INVENTION

The present invention provides, in an embodiment, improved infant formula.--

On page 8, please delete line 31 and substitute --By way of example and not limitation, examples of the present invention will now be given.--

On page 9, line 27, please insert the following:

--It should be understood that various changes and modifications to the presently preferred embodiments described herein will be apparent to those skilled in the art. Such changes and modifications can be made without departing from the spirit and scope of the present invention and without diminishing its intended advantages. It is therefore intended that such changes and modifications be covered by the appended claims.--.

In the Claims:

Please amend Claims 1 and 3-10 as follows:

1. A composition for an infant formula comprising:

whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof.

3. A composition according to claim 1 which comprises about 1.5% to about 3% by weight of arginine; tryptophan and histidine.

4. A composition according to claim 1 which comprises a lipid source, a carbohydrate source, and a protein source.

5. A composition according to claim 1 wherein the whey protein is non-hydrolysed.

6. A composition according to claim 1 wherein the whey protein is sweet and is substantially free of lactose.

7. A composition according to claim 1 which comprises about 6% to about 50% by weight of whey protein and about 20% to about 40% casein protein.

8. A composition according to claim 1 which comprises about 0% to about 0.1% by weight histidine, about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

9. A composition according to claim 1 which comprises about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tyrptophan.

10. A method of producing an infant formula comprising the step of blending whey protein, that does not contain caseino-glyco-macropeptide, and casein protein together with free arginine; free histidine; and tryptophan rich milk protein, free tryptophan or a mixture thereof and homogenising the blended mixture.

Please cancel Claim 11 without prejudice or disclaimer.

Please amend Claim 12 as follows:

12. A method of treating malnutrition comprising the step of administering an effective amount of a composition containing whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof.

Please add newly-submitted Claims 13-20 as follows:

13. An infant formula comprising:

whey protein, from which caseino-glyco-macropeptide has been removed;

casein protein;

free arginine;

free histidine; and

tryptophan rich milk protein, free tryptophan and mixtures thereof.

14. The infant formula of claim 13 comprising from about 9.0 to about 10.0 w/w% of protein.

15. The infant formula of claim 13 comprising about 1.5% to about 3% by weight of arginine; tryptophan and histidine.

16. The infant formula of claim 13 comprising a lipid source, a carbohydrate source, and a protein source.

17. The infant formula of claim 13 comprising about 6% to about 50% by weight of whey protein and about 20% to about 40% casein protein.

18. The infant formula of claim 13 comprising about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

19. The infant formula of claim 13 comprising about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tyrptophan.

20. A method of providing nutrition to an infant comprising the step of administering an effective amount of a composition comprising whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof.

REMARKS

This Preliminary Amendment is submitted in the above-identified patent application. Pursuant to a Preliminary Amendment, Claims 1, 3-10 and 12 have been amended, Claim 11 has been canceled, newly-submitted Claims 13-20 have been added and minor amendments have been made to the specification. This Preliminary Amendment does not add new subject matter. Applicants also note for the record the purpose of the Preliminary Amendment is to place the claims in proper format and/or add new claims. Therefore, Applicants do not intend to disclaim any subject matter in view of this Preliminary Amendment.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Versions with Markings to Show Changes Made.**"

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please amend page 1, line 1, by deleting "Composition Comprising Casein Protein and Whey Protein" and substitute the following:

--SPECIFICATION

TITLE OF THE INVENTION

"COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN"--

On page 2, line 14, please add the following:

--SUMMARY OF THE INVENTION--

On page 3, line 17, please insert the following:

--Additional features and advantages of the present invention will be described in and apparent from the detailed description of the presently preferred embodiments and the figures.

DETAILED DESCRIPTION OF THE INVENTION

The present invention provides, in an embodiment, improved infant formula.--

On page 8, please delete line 31 and substitute --By way of example and not limitation, examples of the present invention will now be given.--

On page 9, line 27, please insert the following:

--It should be understood that various changes and modifications to the presently preferred embodiments described herein will be apparent to those skilled in the art. Such changes and modifications can be made without departing from the spirit and scope of the present invention and without diminishing its intended advantages. It is therefore intended that such changes and modifications be covered by the appended claims.--.

In the Claims:

Please amend Claims 1 and 3-10 as follows:

1. (Amended) A composition for an infant formula [which comprises] comprising:

whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof.

3. (Amended) A composition according to [any preceding] claim 1 which comprises about 1.5% to about 3% by weight of arginine; tryptophan and histidine.

4. (Amended) A composition according to [any preceding] claim 1 which comprises a lipid source, a carbohydrate source, and a protein source.

5. (Amended) A composition according to [any preceding] claim 1 wherein the [which comprises] whey protein [which] is non-hydrolysed.

6. (Amended) A composition according to [any preceding] claim 1 wherein the [sweet] whey protein is sweet and is substantially free of lactose.

7. (Amended) A composition according to [any preceding] claim 1 which comprises about 6% to about 50% by weight of whey protein and about 20% to about 40% casein protein.

8. (Amended) A composition according to [any preceding] claim 1 which comprises about 0% to about 0.1% by weight histidine, about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

9. (Amended) A composition according to [any preceding] claim 1 which comprises about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tyrptophan.

10. (Amended) A method of producing an infant formula comprising [a composition according to any preceding claim which comprises] the step of blending whey protein, that does not contain caseino-glyco-macropeptide, and casein protein together with free arginine; free histidine; and tryptophan rich milk protein, free tryptophan or a mixture thereof and homogenising the blended mixture.

Please cancel Claim 11 without prejudice or disclaimer.

Please amend Claim 12 as follows:

12. (Amended) A method of [addressing] treating malnutrition [which comprises] comprising the step of administering an effective amount of a composition containing whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof [according to any one of claims 1 to 10].

Please add newly-submitted Claims 13-20 as follows:

13. An infant formula comprising:

whey protein, from which caseino-glyco-macropeptide has been removed;

casein protein;

free arginine;

free histidine; and

tryptophan rich milk protein, free tryptophan and mixtures thereof.

14. The infant formula of claim 13 comprising from about 9.0 to about 10.0 w/w% of protein.

15. The infant formula of claim 13 comprising about 1.5% to about 3% by weight of arginine; tryptophan and histidine.

16. The infant formula of claim 13 comprising a lipid source, a carbohydrate source, and a protein source.

17. The infant formula of claim 13 comprising about 6% to about 50% by weight of whey protein and about 20% to about 40% casein protein.

18. The infant formula of claim 13 comprising about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

19. The infant formula of claim 13 comprising about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tyrptophan.

20. A method of providing nutrition to an infant comprising the step of administering an effective amount of a composition comprising whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; tryptophan rich milk protein, free tryptophan or a mixture thereof.

Composition Comprising Casein Protein & Whey Protein

This invention relates to a composition for an infant formula which comprises casein protein and whey protein; a method of producing the composition; use of the composition in the manufacture of a medicament or nutritional product for addressing malnutrition; and a method of addressing malnutrition which comprises administering an effective amount of the composition.

Within the context of this application the word "comprises" is taken to mean "includes, among other things" and it is not intended to mean "consists of only".

Mother's milk is recommended for all infants. However, in some cases mother's milk is not available and infant formulae must be used. Normal, full-term infants are usually fed cow's-milk-based formulas. These formulas contain a mixture of casein and whey as protein sources and they provide nutrition for infants, however they do not provide a protein concentration and an amino acid profile equivalent to that of mother's milk. In addition these standard formulae are not suitable for pre-term infants and those having adverse reactions to protein in cow's milk formula or to lactose.

An alternatives to cow's milk formula is soy formula; particularly for infants who are lactose intolerant. However, soy is not as good a protein source as cow's milk. Also, infants do not absorb some minerals, such as calcium, as efficiently from soy formulae.

A further alternative formula is based on hydrolysed protein. These formulas are hypoallergenic and have a decreased likelihood of an allergic reaction.

Ideally, to be as close as possible to human milk, the protein in infant formulae may be derived from both whey and casein in an appropriate ratio. However, a problem with conventional formulae having these proteins is that they have a high protein concentration to ensure that the infant gets the necessary amount of all essential amino acids. The protein concentration is higher than the concentration normally found in human milk and it may not be beneficial for an infant because an infant's metabolism is susceptible to overloading with nitrogen from its protein intake.

To address this problem, formulae having improved amino acid profiles have been suggested, for example those having hydrolysed whey proteins. The whey protein may be acid whey protein or sweet whey protein. In general, acid whey protein is preferred from a nutritional point of view since it has a lower threonine content and this is closer to that of human milk. However, until now it has not been possible to provide the advantage of a composition having a protein concentration equivalent to the concentration in human milk and a good amino acid profile in formulae having whey protein and casein. An advantage provided by casein in formulae is that it has the ability to form curd which enhances the feeling of satiety.

The present invention addresses the problems set out above.

Accordingly, the invention provides a composition for an infant formula which comprises whey protein; casein protein; free arginine; free histidine; and tryptophan rich milk protein, free tryptophan or a mixture thereof.

In a second aspect the invention provides a method of producing the composition which comprises the step of blending whey protein and casein protein together with free arginine; free histidine; and tryptophan rich milk protein, free tryptophan or a mixture thereof and homogenising the blended mixture.

In a third aspect the invention provides use of an embodiment of the composition in the manufacture of a medicament or nutritional product for addressing malnutrition.

In a forth aspect the invention provides a method of addressing malnutrition which comprises administering an effective amount of an embodiment of the composition.

Preferably, tryptophan rich milk protein has a level of about 5% or more of amino acids as tryptophan. More preferably it is about 10% or more.

Preferably, the whey protein is acid whey protein or sweet whey protein from which caseino-glyco-macropeptide has been removed. This provides the

advantage of a reduced threonine content and an increased tryptophan content as compared to normal sweet whey and is therefore suitable as a protein source for infants.

Preferably an embodiment of the composition comprises from about 9.0 to about 10.0 w/w% of protein, more preferably about 9.5% w/w%. This corresponds to about 1.8g protein /100kcal. An advantage provided by this concentration of protein is that it is equivalent to the amount of protein generally present in human milk and it corresponds to the lower limit tolerated by codex alimentarius.

Preferably an embodiment of the composition comprises about 0.5% to about 3% by weight of arginine; tryptophan and histidine. Suprisingly, it has been found that by supplementing the sweet whey fraction with the free amino acids arginine, tyrosine, and histidine, the protein source has an amino acid profile which is close to that of human milk.

Preferably an embodiment of the composition comprises a lipid source, a carbohydrate source, and a protein source. This provides the advantage that the composition is as close as possible in content to mothers milk.

Preferably an embodiment of the composition comprises whey protein which is non-hydrolysed. In alternative embodiments it is hydrolysed.

Preferably, the sweet whey fraction is substantially free of lactose. This has the advantage that the infant formula has reduced levels of lysine blockage.

Preferably an embodiment of the composition comprises about 6% to about 50% by weight of whey protein, more preferably about 20% to 40% whey protein, most preferably 30% whey protein. Preferably it comprises from about 20% to about 40% casein protein, more preferably about 30%. Most preferably, the ratio of whey protein to casein protein is about 60%:about 40% to about 70%:about 30%.

Preferably the free amino acids are in free base form.

In one embodiment the composition is suitable for a pre-term infant formula and comprises about 0% to about 0.1% by weight histidine, about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

In an alternative embodiment the composition is suitable for a full-term, hypoallergenic infant formula in which the protein source preferably comprises about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tryptophan.

Preferably the concentration of tryptophan in the composition is at least about 135mg/g and the concentration of threonine in the composition is less than about 350mg/g. Preferably the threonine concentration corresponds to about 4.9 g per 100g protein to about 5.1g per 100g protein.

The carbohydrate source may include lactose. The lactose may be the sole source of carbohydrates.

Embodiments of the invention are now described by way of example.

The invention provides a composition for an infant formula which comprises arginine, tryptophan, histidine and a sweet whey fraction from which caseino-glyco-macropeptide has been removed. The infant formula may be used for pre-term or full-term infants.

The sweet whey used in the protein source may be obtained from cheese making, particularly the sweet whey obtained after the coagulation of casein by rennet. The sweet whey may then be processed as desired. For example, the sweet whey may be treated to remove minerals (cations, anions), lactose, or any of these substances. The sweet whey may be concentrated as desired. Suitable sweet whey sources are commercially available. It is particularly preferred that the sweet whey is substantially lactose-free.

The sweet whey is then treated to remove caseino-glyco-macropeptide. This may be accomplished by any suitable process. One suitable process is described in European patent application 0880902, the disclosure of which is incorporated by reference. In this process, the pH of the sweet whey is adjusted to 1 to 4.3, if

necessary. The sweet whey is then contacted with a weakly anionic resin which is predominantly alkaline until the pH of the sweet whey stabilises at about 4.5 to 5.5. The sweet whey fraction from which the caseino-glyco-macropeptide has been removed, is then collected.

In an embodiment of the composition the whey protein is non-hydrolysed. In an alternative embodiment, the sweet whey fraction is hydrolysed to prevent allergic reactions in infants at risk and to make the protein easier to digest. The hydrolysis process may be carried out as desired and as is known in the art. In general, the whey protein hydrolysate is prepared by enzymatically hydrolysing the sweet whey fraction in one or more steps. For example, for an extensively hydrolysed protein, the sweet whey proteins may be subjected to triple hydrolysis using, for example, Alcalase 2.4L (EC 940459), then Neutrase 0.5L (obtainable from Novo Nordisk Ferment AG) and then pancreatin at 55°C. Alternatively, for a less hydrolysed protein, the sweet whey may be subjected to double hydrolysis using, for example, NOVOZYMES and then pancreatin.

If the sweet whey fraction used is substantially lactose free, it is found that the protein is subjected to much less lysine blockage during the hydrolysis process. This enables the extent of lysine blockage to be reduced from about 15% by weight of total lysine to less than about 10% by weight of lysine; for example about 7% by weight of lysine. This greatly improves the nutritional quality of the protein source.

The free amino acids L-arginine, L-tyrptophan and L-histidine are included in the protein source. Preferably, they are in the form of free amino acids and make up about 1.5% to about 3% by weight of the protein source. For example, the free amino acids may make up about 2% to about 2.6% by weight of the protein source.

In particular, for pre-term formulas, histidine preferably provides about 1% to about 1.5% by weight, arginine preferably provides about 0.6% to about 0.9% by weight, and tyrptophan preferably provides about 0.3% to about 0.5% by weight, of the protein source. For hypoallergenic formulas, histidine preferably provides about 0.2% to about 0.4% by weight, arginine preferably provides about 1% to

about 2% by weight, and tyrptophan preferably provides about 0.2% to about 0.4% by weight, of the protein source.

The protein source may include other free amino acids as desired.

The carbohydrate source in the infant formula can be carbohydrate suitable for use in infant formulas. Preferred carbohydrate sources are selected from the group which comprises sucrose, maltodextrin, maltose, lactose, corn syrup, corn syrup solids, rice syrup solids, rice starch, and the like. Preferably, the carbohydrate source includes lactose and maltodextrin. The lactose is preferably free of any allergens. For full term formulas, the carbohydrate source is preferably lactose.

The lipid source may be any lipid or fat which is suitable for use in infant formulas. Preferred lipid sources include milk fat, safflower oil, egg yolk lipid, canola oil, olive oil, coconut oil, palm oil, palm kernel oil, palm olein, soybean oil, sunflower oil, fish oil, and microbial fermentation oil containing long-chain, polyunsaturated fatty acids. These oils may be in the form of high oleic forms such as high oleic sunflower oil and high oleic safflower oil. The lipid source may also be in the form of fractions derived from these oils such as palm olein, medium chain triglycerides (MCT), and esters of fatty acids such as arachidonic acid, linoleic acid, palmitic acid, stearic acid, docosahexaeonic acid, linolenic acid, oleic acid, lauric acid, capric acid, caprylic acid, caproic acid, and the like.

For pre-term formulas, the lipid source preferably contains medium chain triglycerides; for example in an amount of about 15% to about 35% by weight of the lipid source.

The lipid source preferably has a ratio of n-6 to n-3 fatty acids of about 5:1 to about 15:1; for example about 8:1 to about 10:1.

The infant formula may further comprise ingredients which are designed to meet the nutritional needs of a human infant. In particular, it is preferred that the infant formula is "nutritionally complete"; that is it contains adequate nutrients to sustain healthy human life for extended periods.

The amount of protein per 100 kcal of formula is typically about 1.8g to about 4.5 g; for example about 1.8 g to about 4 g. For full term hypoallergenic formulas, the amount may be about 1.8 g/100 kcal to about 2.5 g/100 kcal. In order to reduce protein loading, the amount may be less than about 2 g/100 kcal. For pre-term formulas, the amount may be about 2.5 g/100 kcal to about 4 g/100 kcal.

The amount of lipid source per 100 kcal of formula may be about 3.3 g to about 6.5 g; for example about 4.4 g to about 6.5g. The amount of carbohydrate source per 100 kcal of total formula is typically about 7 g to about 14 g.

When in nutritionally complete form, the infant formula contains all vitamins and minerals understood to be essential in the daily diet and in nutritionally significant amounts. Minimum requirements have been established for certain vitamins and minerals. Examples of minerals, vitamins and other nutrients optionally present in the infant formula include vitamin A, vitamin B_1, vitamin B_2, vitamin B_6, vitamin B_{12}, vitamin E, vitamin K, vitamin C, vitamin D, folic acid, inositol, niacin, biotin, pantothenic acid, choline, calcium, phosphorous, iodine, iron, magnesium, copper, zinc, manganese, chloride, potassium, sodium, selenium, chromium, molybdenum, taurine, and L-carnitine. Minerals are usually added in salt form. The presence and amounts of specific minerals and other vitamins will vary depending on the intended infant population.

If necessary, the infant formula may contain emulsifiers and stabilisers such as soy lecithin, citric acid esters of mono- and di-glycerides, and the like. This is especially the case if the formula is provided in liquid form.

The infant formula may optionally contain other substances which may have a beneficial effect such as fibres, lactoferrin, nucleotides, nucleosides, and the like.

The infant formula may be prepared in any suitable manner. For example, for an infant formula may be prepared by blending together the protein source, the carbohydrate source, and the fat source in appropriate proportions. If used, the emulsifiers may be included in the blend. The vitamins and minerals may be added at this point but are usually added later to avoid thermal degradation. Any lipophilic vitamins, emulsifiers and the like may be dissolved into the fat source

prior to blending. Water, preferably water which has been subjected to reverse osmosis, may then be mixed in to form a liquid mixture.

The liquid mixture may then be thermally treated to reduce bacterial loads. For example, the liquid mixture may be rapidly heated to a temperature in the range of about 80°C to about 110°C for about 5 seconds to about 5 minutes. This may be carried out by steam injection or by heat exchanger; for example a plate heat exchanger.

The liquid mixture may then be cooled to about 60°C to about 85°C; for example by flash cooling. The liquid mixture may then be homogenised; for example in two stages at about 7 MPa to about 40 MPa in the first stage and about 2 MPa to about 14 MPa in the second stage. The homogenised mixture may then be further cooled to add any heat sensitive components; such as vitamins and minerals. The pH and solids content of the homogenised mixture is conveniently standardised at this point.

If it is desired to produce a powdered infant formula, the homogenised mixture is transferred to a suitable drying apparatus such as a spray drier or freeze drier and converted to powder. The powder should have a moisture content of less than about 5% by weight.

If it is desired to produce a liquid infant formula, the homogenised mixture is filled into suitable containers; preferably aseptically. However, the liquid infant formula may also be retorted in the container. Suitable apparatus for carrying out filling of this nature is commercially available. The liquid infant formula may be in the form of a ready to feed formula having a solids content of about 10 to about 14% by weight or may be in the form of a concentrate; usually of solids content of about 20 to about 26% by weight.

Specific examples of the invention are now described for illustration.

Example 1

a) A sweet whey protein concentrate is dissolved in deionised water and the pH is adjusted to 4.25 by contacting the solution with a cation exchange

resin (IMAC HP 1100 E, Rohm and Haas). The solution is treated with a weakly anionic resin (IMAC HP 661, Rohm & Haas, which has been regenerated in OH^- form) for about 6 hours at 8°C. Once the pH reaches about 5.25 and does not change, the solution is recovered. Over 85% of the caseino-glyco-macropeptide originally present has been removed from the solution.

b) The solution of step a) is standardised in demineralised water at 55°C. The solution is then heated to 75°C for 20 seconds. The pH of the solution is adjusted to 7.5 by the addition of $Ca(OH)_2$ and a solution of NaOH and KOH.

The reaction mixture is then subjected to microfiltration and ultrafiltration and then dried by lyophilisation and packaged into metal cans. The protein has low levels of lysine blockage with 6.9% blocked lysine and 9% reactive lysine.

c) The protein of step b) is combined with 0.72% by weight L-arginine, 0.44% by weight of L-tyrptophan, and 1.38% by weight of L-histidine. The mixture is formulated into a powdered infant formula. The infant formula has the following composition:

Component	Amount
Milk SNF	8-10%
Whey protein	6-50%
Alpha-lactalbumin rich whey protein source	0-2%
Arginine	0.1-0.3%
Histidine	0-0.1%
Fat	25-30%
Lactose	10-40%
Vitamins and minerals	To meet regulations

The composition has a protein concentration of 9.5 w/w% or 1.8g protein /100kcal.

Amended claims

1. A composition for an infant formula which comprises whey protein, wherein the whey protein is acid or sweet whey protein from which caseino-glyco-macropeptide has been removed; casein protein; free arginine; free histidine; ~~and~~ tryptophan rich milk protein, free tryptophan or a mixture thereof.

2 ~~3~~. A composition according to claim 1 ~~or 2~~ which comprises from about 9.0 to about 10.0 w/w% of protein

3 ~~4~~. A composition according to any preceding claim which comprises about 1.5% to about 3% by weight of arginine; tryptophan and histidine.

4 ~~5~~. A composition according to any preceding claim which comprises a lipid source, a carbohydrate source, and a protein source.

5 ~~6~~. A composition according to any preceding claim which comprises whey protein which is non-hydrolysed.

6 ~~7~~. A composition according to any preceding claim wherein the sweet whey protein is substantially free of lactose.

7 ~~8~~. A composition according to any preceding claim which comprises about 6% to about 50% by weight of whey protein and about 20% to about 40% casein protein.

8 ~~9~~. A composition according to any preceding claim which comprises about 0% to about 0.1% by weight histidine, about 0.1% to about 0.3% by weight arginine, and about 0.3 to about 0.5% by weight tryptophan.

9 ~~10~~. A composition according to any preceding claim which comprises about 0.2% to about 0.4% by weight histidine, about 1% to about 2% by weight arginine, and about 0.2% to about 0.4% by weight tyrptophan.

10 11. A method of producing a composition according to any preceding claim which comprises the step of blending whey protein and casein protein together with free arginine; free histidine; and tryptophan rich milk protein, free tryptophan or a mixture thereof and homogenising the blended mixture.

11 12. Use of a composition according to any one of claims 1 to ~~10~~ 9 in the manufacture of a medicament or nutritional product for addressing malnutrition.

12 13. A method of addressing malnutrition which comprises administering an effective amount of a composition according to any one of claims 1 to 10.

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(54) Title: COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN

(57) Abstract: A composition for an infant formula which comprises casein protein and whey protein; a method of producing the composition; use of the composition in the manufacture of a medicament or nutritional product for addressing malnutrition; and a method of addressing malnutrition which comprises administering an effective amount of the composition. A preferred embodiment of the composition comprises non-hydrolysed protein, free arginine; tryptophan and histidine, a lipid source and a carbohydrate source. In addition, the whey protein is acid whey protein or sweet whey protein from which caseino-glycomacropeptide has been removed.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITION COMPRISING CASEIN PROTEIN AND WHEY PROTEIN

the specification of which: (check one)

☐ is attached hereto.

☒ was filed on 12 September 2000, as United States Application No. or PCT International Application No. PCT/EP00/08910
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Not Claimed
9923048.4	Great Britain	29.09.1999	☐
			☐
			☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

Application Serial No.	**Filing Date**

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